

that the program met all of the standards in § 82.160(b) and that equipment to be certified was tested to and met the applicable standards in § 82.158 (b) or (d). Upon EPA approval, the previously tested equipment may be certified without being retested (except insofar as such retesting is part of the testing organization's program for verifying the performance of equipment manufactured over the long term, pursuant to § 82.160(b)(4)).

[58 FR 28712, May 14, 1993, as amended at 59 FR 42962, Aug. 19, 1994]

§ 82.161 Technician certification.

(a) Effective November 14, 1994, technicians, except technicians who successfully completed voluntary certification programs that apply for approval under § 82.161(g) by December 9, 1994, must be certified by an approved technician certification program under the requirements of this paragraph (a). Effective May 15, 1995, all technicians must be certified by an approved technician certification program under the requirements of this paragraph (a).

(1) Technicians who maintain, service, or repair small appliances as defined in § 82.152(x) must be properly certified as Type I technicians.

(2) Technicians who maintain, service, or repair high or very high-pressure appliances, except small appliances and MVACs, or dispose of high or very high-pressure appliances, except small appliances and MVACs, must be properly certified as Type II technicians.

(3) Technicians who maintain, service, or repair low-pressure appliances or dispose of low-pressure appliances must be properly certified as Type III technicians.

(4) Technicians who maintain, service, or repair low- and high-pressure equipment as described in § 82.161(a) (1), (2) and (3) must be properly certified as Universal technicians.

(5) Technicians who maintain, service, or repair MVAC-like appliances must either be properly certified as Type II technicians or complete the training and certification test offered by a training and certification program approved under § 82.40.

(6) Apprentices are exempt from this requirement provided the apprentice is

closely and continually supervised by a certified technician while performing any maintenance, service, repair, or disposal that could reasonably be expected to release refrigerant from appliances into the environment. The supervising certified technician is responsible for ensuring that the apprentice complies with this subpart.

(b) *Test Subject Material.* The Administrator shall maintain a bank of test questions divided into four groups, including a core group and three technical groups. The Administrator shall release this bank of questions only to approved technician certification programs. Tests for each type of certification shall include a minimum of 25 questions drawn from the core group and a minimum of 25 questions drawn from each relevant technical group. These questions shall address the subject areas listed in appendix D.

(c) *Program Approval.* Persons may seek approval of any technician certification program (program), in accordance with the provisions of this paragraph, by submitting to the Administrator at the address in § 82.160(a) verification that the program meets all of the standards listed in appendix D and the following standards:

(1) *Alternative Examinations.* Programs are encouraged to make provisions for non-English speaking technicians by providing tests in other languages or allowing the use of a translator when taking the test. If a translator is used, the certificate received must indicate that translator assistance was required. A test may be administered orally to any person who makes this request, in writing, to the program at least 30 days before the scheduled date for the examination. The letter must explain why the request is being made.

(2) *Recertification.* The Administrator reserves the right to specify the need for technician recertification at some future date, if necessary, by placing a notice in the FEDERAL REGISTER.

(3) *Proof of Certification.* Programs must issue individuals a wallet-sized card to be used as proof of certification, upon successful completion of the test. Programs must issue an identification card to technicians that receive a score of 70 percent or higher on

the closed-book certification exam, within 30 days. Programs providing Type I certification using the mail-in format, must issue a permanent identification card to technicians that receive a score of 84 percent or higher on the certification exam, no later than 30 days after the program has received the exam and any additional required material. Each card must include, at minimum, the name of the certifying program, and the date the organization became a certifying program, the name of the person certified, the type of certification, a unique number for the certified person, and the following text:

[Name of person] has been certified as a [Type I, Type II, Type III, and/or Universal, as appropriate] technician as required by 40 CFR part 82, subpart F.

(4) The Administrator reserves the right to consider other factors deemed relevant to ensure the effectiveness of certification programs.

(d) If approval is denied under this section, the Administrator shall give written notice to the program setting forth the basis for her or his determination.

(e) If at any time an approved program violates any of the above requirements, the Administrator reserves the right to revoke approval. In such cases, the Administrator or her or his designated representative shall give notice to the organization setting forth the basis for her or his determination.

(f) Authorized representatives of the Administrator may require technicians to demonstrate on the business entity's premises their ability to perform proper procedures for recovering and/or recycling refrigerant. Failure to demonstrate or failure to properly use the equipment may result in revocation of the certificate. Failure to abide by any of the provisions of this subpart may also result in revocation or suspension of the certificate. If a technician's certificate is revoked, the technician would need to recertify before maintaining, servicing, repairing or disposing of any appliances.

(g)(1) Any person seeking approval of a technician certification program may also seek approval to certify technicians who successfully completed a voluntary certification program operated

previously by that person. Interested persons must submit to the Administrator at the address in § 82.160(a) verification that the voluntary certification program substantially complied with most of the standards of § 82.161(c) and appendix D of subpart F of this part. If the program did not test or train participants on some elements of the test subject material, the person must submit supplementary information on the omitted material to the Administrator for approval and verify that the approved information will be provided to technicians pursuant to section j of appendix D of subpart F of this part. In this case, the person may not issue a certification card to a technician until he or she has received a signed statement from the technician indicating that the technician has read the supplementary information. Approval may be granted for Type I, Type II, or Type III certification, or some combination of these, depending upon the coverage in the voluntary certification program of the information in each Type. In order to have their voluntary programs considered for approval, persons must submit applications both for approval as a technician certification program and for approval as a voluntary program by December 9, 1994.

(2)(i) Persons who are approved to certify technicians who successfully completed their voluntary programs pursuant to § 82.161(g)(1) must:

(A) Notify technicians who successfully completed their voluntary programs of the Administrator's decision within 60 days of that decision;

(B) Send any supplementary materials required pursuant to § 82.161(g)(1) to technicians who successfully completed their voluntary programs within 60 days of the Administrator's decision; and

(C) Send certification cards to technicians who successfully completed their voluntary programs within 60 days of receipt of signed statements from the technicians indicating that the technicians have read the supplementary information.

(ii) Persons who are disapproved to certify technicians who successfully completed their voluntary programs pursuant to § 82.161(g)(1) must notify

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technicians who successfully completed their voluntary programs of the Administrator's decision within 30 days of that decision.

(iii) Persons who withdraw applications for voluntary program approval submitted pursuant to §82.161(g)(1) must inform technicians who successfully completed their voluntary programs of the withdrawal by the later of 30 days after the withdrawal or December 9, 1994.

(3) Technicians who successfully completed voluntary certification programs may receive certification in a given Type through that program only if:

(i) The voluntary certification program successfully completed by the technician is approved for that Type pursuant to §82.161(g)(1);

(ii) The technician successfully completed the portions of the voluntary certification program that correspond to that Type; and

(iii) The technician reads any supplementary materials required by the Administrator pursuant to §82.161(g)(1) and section j of appendix D of subpart F of this part, and returns the signed statement required by §82.161(g)(1).

[58 FR 28712, May 14, 1993, as amended at 59 FR 42957, 42962, Aug. 19, 1994]

§ 82.162 Certification by owners of recovery and recycling equipment.

(a) No later than August 12, 1993, or within 20 days of commencing business for those persons not in business at the time of promulgation, persons maintaining, servicing, or repairing appliances except for MVACs, and persons disposing of appliances except for small appliances and MVACs, must certify to the Administrator that such person has acquired certified recovery or recycling equipment and is complying with the applicable requirements of this subpart. Such equipment may include system-dependent equipment but must include self-contained equipment, if the equipment is to be used in the maintenance, service, or repair of appliances except for small appliances. The owner or lessee of the recovery or recycling equipment may perform this certification for his or her employees. Certification shall take the form of a statement signed by the owner of the equip-

ment or another responsible officer and setting forth:

(1) The name and address of the purchaser of the equipment, including the county name;

(2) The name and address of the establishment where each piece of equipment is or will be located;

(3) The number of service trucks (or other vehicles) used to transport technicians and equipment between the establishment and job sites and the field;

(4) The manufacturer name, the date of manufacture, and if applicable, the model and serial number of the equipment; and

(5) The certification must also include a statement that the equipment will be properly used in servicing or disposing of appliances and that the information given is true and correct. Owners or lessees of recycling or recovery equipment having their places of business in:

Connecticut
Maine
Massachusetts
New Hampshire
Rhode Island
Vermont

must send their certifications to:

CAA §608 Enforcement Contact, EPA Region I, Mail Code APC, JFK Federal Building, One Congress Street, Boston, MA 02203.

Owners or lessees of recycling or recovery equipment having their places of business in:

New York
New Jersey
Puerto Rico
Virgin Islands

must send their certifications to:

CAA §608 Enforcement Contact, EPA Region II, Jacob K. Javits Federal Building, 26 Federal Plaza, Room 5000, New York, NY 10278.

Owners or lessees of recycling or recovery equipment having their places of business in:

Delaware
District of Columbia
Maryland
Pennsylvania
Virginia
West Virginia

must send their certifications to: